

Jury demand date: Pltf - 5-21-75

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>WILLIE E. BURNETT, as Administrator of the Estate of ARLIE J. BURNETT, Deceased,</p> <p>v.</p> <p>TRANSWORLD AIRLINES, INC., a Corporation; and JOHN DOE HILTON,</p> <p><i>clerk & Hilson / D. L. Hilton, per transcript 8-1-76</i></p>		<p>For plaintiff:</p> <p>Tipps and Gibson 324 Main Mall Bldg. Tulsa, Oklahoma 74103 918 587-0074 <i>655-1181</i></p> <p>For defendant:</p> <p>Dan A. Rogers 117 E. 5th St. Tulsa, Okla. 74103 918 583-5111</p>					
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-74	Clerk			7-25-74	Rogers	15.00	
				8-1-74	C/D #5		15 00
J.S. 6 mailed 10-1-76	Marshal						
Basis of Action: Wrongful death due to negligence of deft.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-25-74	1. Petition for Removal/ ^{from Dist. Ct. of Tulsa County,} filed.jj	
7-25-74	2. Bond on Removal in the amt. of \$500.00, filed. Aetna Casualty and Surety Company jj	
7-25-74	3. Notice of Filing of Petition and Bond for Removal by Defendants, filed.jj	
7-26-74	4. Acknowledgement of the Clerk of the District Court in and for Tulsa County, Oklahoma of receipt of copy of the notice, petition and bond for removal, filed.lm	
7-26-74	5. ANSWER of defts., Transworld Airlines, Inc. and JohnDoe Hilton to petition of pltf., filed. lm	
7-30-74	MO: Parties are directed to hold PT conference on or before 9-10-74 & file PT order on or before 9-17-74. (AEB-J)k cd copies mld.k	
8-5-74	6. Motion to remand suit to state court, filed by pltf.k	
8-5-74	7. Memoranda of authorities in support of mot. to remand, filed.k	
8-12-74	8. Memorandum brief in opposition to pltf's motion to remand, filed by defts.k	
8-13-74	9. Pltf's Interrogatories, filed.k	
8-27-74	10. Defts' Transworld Airlines, Inc., and John Doe Hilton's Appli. for Extension of Time to Ans. Pltf's Interrogatories, filed. lm ORDER granting	
8-27-74	11./ Defts. Transworld Airlines, Inc., and John Doe Hilton extension of time until Sept. 11, 1974 to ans. pltf's Interrogatories, filed. lm cpys mailed.	
8-30-74	12. Order overruling pltf's motion to remand, filed and entered. (AEB-J)hm (copies mailed)	
9-10-74	13. Defts.' application for ext. of time to answer interrog., filed.k	
9-10-74	14. Order, filed, granting until 9-27-74 to answer interrog. (JCS-clk)k	
9-11-74	15. Appl. & Order granting extension of time for pre trial setting until January, 1975. (FD-J/for AEB)k cps mld.	
9-27-74	16. Ans. to Interrogatories, filed by Defts. v	
11-25-74	17. Amendment to Answers to Interrogatories, filed by Defts. Transworld Airlines, Inc., and John Doe Hilton. v	
12-13-74	MO: Parties are directed to hold PT conference on or before 1-24-75 & file PT Order on or before 1-31-75. (AEB-J)k cps by cert. ml	
1-22-75	18. APPLICATION for extension of time/for pre-trial setting, filed.lm ^{to May pre-trial docket}	
1-24-75	19. Order, filed, striking case from January pre-trial docket, to be reset on May, 1975 pretrial docket. (AEB-J)g	

CONTINUED

note
part of
application

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-13-75	MO: Parties are directed to hold PT conf. on or before 4-24-75 & file PT Order on or before 5-1-75. (AEB-J)k cps by cert ml	
3-21-75	Case set for non-jury trial on 6-9-75, at 10:00 AM. (AEB-J)b nts mld	
5-5-75	MO: Ordered by the Court that case is re-set for jury trial on 6-16-75, at 10:00 A.M.(AEB-J)b nts mld	
5-21-75	21. Pltf's Second Requested Interrogs., filed. lm	
5-21-75	22. Pltf's Demand for JURY trial, filed. lm	
5-21-75	23. Pltf's APPLI. for ext. of time for pre-trial setting, filed. lm	otoJ
6-3-75	24. Order granting the Plaintiff an extension of time to 9-1-75 to complete pre-trial discovery. Allowing Pltf's request for jury trial. Allowing the case to be stricken from the 6-16-75 non-jury docket due to Pltf's need for additional time, granting of jury trial, and the pltf's attorney active duty with the US Reserves. Pltf granted an extension to the October pretrial setting to file his pre-trial order. (AEB-J) mm cps mld	
6-9-75	25. Answers to Pltf.'s Second Requested XXX Interrogatories, filed by Defts. v	
9-8-75	DEP. of Terry Roundy, taken in Los Angeles, CA., on 8-6-75 before Carol F. Brennan (CSR), filed. lm	
9-8-75	DEP. of William H. Hilton, taken in Los Angeles, CA., on 8-5-75 before Carol F. Brennan (CSR), filed. lm	
9-8-75	DEP. of Raymond H. Lutz, taken in Los Angeles, CA., on 8-5-75, before Carol F. Brennan (CSR), filed. lm	
9-8-75	DEP. of Robert Norberg, taken in Mission Viejo, CA on 8-6-75, before Carol F. Brennan (CSR), filed. lm	
9-8-75	DEP. of Elizabeth Karagozian, taken in Irvine, CA., on 8-6-75, before Carol F. Brennan (CSR), filed. lm	
9-16-75	Deposition of WILLIE E. BURNETT and KATHRYN V. BURNETT taken before Paul M. Potts, CSR, on 9-4-75, in Tulsa, OK, w/fees of \$181.00, fld. v	
11-14	Dep. of Robert Bickelmann, Sr. and Herman R. Bruch, M. D. taken before Spalding & Freda Court Reporters at Redwood City, Calif. on 8-7-75, filed.jj	
<u>1976</u>		
1-27	MO: Parties are directed to hold PT conf. on or before 3-5-76 & file PT Order on or before 3-12-76. (AEB-J)ph cps by cert ml	
3-12	26. Appl. of Pltf. for ext. of time to file PT order, fld. v - as part of appl to J.	
3-15	-- Order, filed as part of appl., granting pltf. until 3-22-76 to file pretrial order. (AEB-J)v -cps. mld.	
5-13	27. Pretrial Order, filed. (AEB-J)k cps mld	
5-25	MO; Case set for jury trial on 6-14-76 at 9:30 a.m. (AEB-J)k ntc by cert ml w/ affid.	

DATE 1976	PROCEEDINGS	Date Order or Judgment Note
5-27	28. Pltf's appl. for continuance of 6-14-76 jury trial setting, fld.k <i>cto g as part of appl</i>	
5-28	Order, as part of application, filed, striking case from 6-14-76 jury trial docket, to be reset on next jury docket, s. (AEB-J) cps mld.	
7-23	MO: Case set for jury trial on 9-7-76, at 9:30 A.m.(AEB-J)b nts by cert ml	
9-7	29. Pltf's trial brief, filed.k	
9-7	30. Pltf's requested instructions, filed.k	
9-7	Case called for jury trial. Deft & Pltf represented. Parties announce ready. Jury selected & sworn. Jury excused until 9-14-76, 10:00 A.M.(AEB-J)b	
9-15	Case tried to jury on 9-14 & 15, 1976. Deft & Pltf. represented. Pltf. moves for name of deft. be changed to Wm. H. Hilton, from John Doe Hilton. Ct. allows corrected in standard. Parties make opening statements. & Pltf. presents case in chief, witnesses sworn & testify; depositions of H. R. Bruch & Rbt. Norberg read. Pltf. rests. Defts motion for dismissal & dismissal of punitive & exemplary damages, denied. Pltf's motion that complaint be amended as to actual damages, sustained. Deft. presents case in chief, witnesses sworn & testify. Depositions of Bickelmann, Hilton, Lutz Roundy & Karagozian read. Parties rest. Pltf's motion for directed verdict overruled. Defts renewed motion for dismissal & dismissal of punitive & exemplary damages overruled. Closing arguments made & Court instructs jury. / Deft's motion for directed verdict overruled. Ct. overrules Defts motion for mis-trial. Jury begins deliberations at 4:34 P.M. on 9-15-76. (5:45 P.M.) note from jury requesting all exhibits. Ct. orders exhibits be given jury.(7:05 P.M.) Jury returns with verdict finding in favor of Pltf. & against Defts' & assess actual damages in amt. of \$2,000.00 & Punitive or exemplary damages in amt. of \$30,000.00. Verdict ordered received, read & filed in open court. Jury polled & discharged. Verdict ordered spread of record by Clk. Defts announce they will file motion for new trial. (AEB-J)b	
9-15	Trial exhibits, filed. b	
9-15	Note from Jury filed. b	
9-15	Verdict, filed in open court finding in favor of Pltf. & against defts & assess actual damages in amt. of \$2,000.00 & punitive or exemplary damages in amt. of \$30,000.00. b	
9-16	31 Judgment, filed & entered, finding in favor of Pltf. & against defts & assess actual damages in amt. of \$2,000.00 & punitive or exemplary damages in amt. of \$30,000.00.(JCS-Clk)b cps mld	
9-20	-- Reporter's transcript of proceedings had on 9-15-76 (partial transcript), filed. (GRD-CSR)k	
9-23	32. Bill of costs of pltf. in amt. of \$1,523.56, filed. Cost hrg. set for 9/30/76 at 10 a.m. before Clerk. rm	
9-24	33. Motion for judg. notwithstanding verdict, or alternatively, for new trial, filed by defs. rm	
9-24	34. Brief in support of NOV motion or new trial, filed. rm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>74-C-307-B</u>
WILLIE E. BURNETT, etc	TRANSWORLD AIRLINES	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
9-24-76	MO:	Ordered by the Court that pltfs. are granted 10 days to respond to motion for judg. NOV, or for new trial. (AEB-J)rm-letter
9-29-76	35	Pltf's application for extension of 20 days from 9-24-76 to file responsive brief to def't's mot. for judgment notwithstanding the verdict or in the alternative, for a new trial, w/order granting ext. to 10-18-76, filed.s (AEB-J) cps. mld.
9-30		Costs taxed in amt. of \$405.02 in favor of pltf. and against defs. (JCS-Clk)rm
10-7	36	Pltf's request to review clerk's assessment of costs and brief in support, filed.s
10-12	MO	The Clerk has for consideration the pltf's request to review assessment of costs & finds that said request should be denied. Further, that costs remain taxed as determined 9-30-76. (JCS-CLK)k cps mld
10-19	37	Pltfs' application for ext. of time to until 10-19-76 to file a responsive brief to mot. of defts. for judgment not withstanding the verdict, or in the alternative for a new trial w/order granting extension, filed.s (AEB-J) cps. mld.
10-19	38	Pltf's request to review clerk's assessment of costs with brief in support of motion, filed.s
10-19	39.	It is ordered by the Court that the def't. file a responsive brief within 5 days to pltf's request to review clerk's assessment.s (AEB-J) cps. mld.
10-19	40.	Pltf's brief in response to def't's mot. for judgment notwithstanding verdict or in the alternative motion for new trial, filed.s
12-15	41.	Order, filed & entered, overruling defts' mot. for Judgment NOV. Further, it is ordered that the pltf. remit the sum of \$20,000.00 w/in 10 days from this date, failing which the Court will grant defts' mot. for new trial, otherwise, said mot. is overruled. (AEB-J)k cps mld
<u>1977</u> <u>1-19</u>	42.	Appl. & Order, filed & entered, dismissing cause of action & complaint with prejudice. (AEB-J)k cps mld

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

PAGE ____ OF ____ PAGES